

BOARD OF NURSING – State of Idaho

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March 10, 1998

TO: All Licensed Nurses, Administrators, Agency Staff
FROM: Idaho Board of Nursing
RE: Delegation to Unlicensed Assistive Personnel

The Idaho Board of Nursing is charged with protecting public health, safety and welfare through the regulation of nursing practice. Provisions exist in statute that prohibit any person from the practice of nursing without current nursing licensure in our state. Statute and administrative rules define, limit and direct the legal practice of licensed nursing.

An issue has come to the attention of the Board regarding the proper delegation of nursing tasks by licensed nurses to unlicensed assistive personnel (UAP) in all settings where a client requires acts of health care to be performed for compensation.

Licensed nurses, and the public, are concerned about nursing care tasks being performed by UAP in institutional and non-institutional settings including, but not limited to: Hospitals (inpatient and outpatient services), Long Term Care Facilities, Home Health Care, Personal Care Services, Residential Care/Assisted Living Facilities, Residential Habilitation/Group Home settings, Intermediate Care Facilities for the Mentally Retarded, Private Offices and Clinics, and public and private Schools.

This wide variety of care settings is necessary to meet the diverse needs of the populations served. Flexibility in care provision is ideal, as long as public health, safety and welfare are assured and the licensed nurse is confident that his or her practice is consistent with the Nursing Practice Act and the Administrative Rules of the Board of Nursing.

The Board of Nursing has been urged to clarify the delegation rule (IDAPA 23.01.01400.02) so that licensed nurses can be assured that they are delegating correctly to **appropriately trained** persons. The Board of Nursing seeks to properly direct the licensed nurse, without negatively impacting care provision in the community. To that end, during its February 1998 meeting, the Board approved a guidance for interpreting the rules for delegation to UAP, as well as a criteria for training that will satisfy the requirement of "Board-approved" in certain rules (see attachments).

This guidance is to be used in conjunction with the Nursing Practice Act Idaho Code 54-1401 through 54-1417, and the Administrative Rules of the Board of Nursing IDAPA 23.01.01. This guidance applies only to those situations in which a licensed nurse delegates an act to UAP in the course of the practice of nursing. For those situations where a licensed nurse is not a participant, individuals performing acts of nursing care without delegation by a licensed nurse may be subject to provisions in 54-1413.

A CLARIFICATION OF THE RULES

IDAPA 23.01.01.400.04 (Unlicensed Assistive Personnel)
and
IDAPA 23.01.01.400.02 (Delegation Responsibilities)

FUNCTIONS

400.04.c.i

- c. The following functions may be performed: (7-1-96)
 - i. Unlicensed assistive personnel may be delegated normal activities of daily living, such as bathing, dressing, grooming, oral hygiene, hair and skin care, preparation of food, oral feeding, ambulation and body movement, elimination and maintenance of a safe environment after on-the-job orientation and **prior to completion of Board-approved training.** (7-1-96)

400.04.c.ii

- c.
 - ii. Unlicensed assistive personnel who have **completed a Board-approved formal training program**, or who are exempted from training, may be delegated such other functions included in the **Board-approved curriculum** for unlicensed assistive personnel. (7-1-96)

In these paragraphs, Board-approved training and Board-approved curriculum refers to: Competencies for Nursing Assistants: A Curriculum Guide. This document is utilized by the state Vocational-Technical Education system to implement the Nursing Assistant Course. Completion of this course, along with a passing score on the written and skills examinations, is required for placement on the nursing assistant registry.

Competencies for Nursing Assistants: A Curriculum Guide consists of a core nursing assistant curriculum; a nursing assistant who has completed a nursing assistant course based on this curriculum may be delegated and perform any of the acts described, at the discretion of the delegating nurse and in accordance with Rule 400.02 Delegation Responsibilities. Additionally, three supplemental training modules have been Board-approved: Acute Care, Special Care and Home Health Aide; a nursing assistant who has completed additional coursework based on these modules may be delegated and perform any of the acts described, at the discretion of the delegating nurse and in accordance with Rule 400.02 Delegation Responsibilities.

400.04.d

- d. Unlicensed assistive personnel may be delegated additional functions **as approved by the Board**, provided classroom instruction and supervised clinical practice have been obtained in a **training program approved by the board.**

Previously, individual agencies and licensees submitted a petition to the Board for a UAP to perform a specific act outside of the nursing assistant curriculum (e.g. percussion and postural drainage);

often a curriculum would also be provided. The Board would approve or deny these petitions on a case-by-case basis. The Board's decision would be given to the petitioner and published in a document (an informal addendum to the practice rules) that was sent to each licensee upon renewal of their license every two years.

With the promulgation of rules in July 1996, and the addition of the Decision Making for Scope of Practice and Delegation Responsibilities rules, this process was changed. The licensee is now directed to the statute (Idaho Code 54-1401 through 1417) and administrative rules (IDAPA 23.01.01) and required to make that decision independent of a case-by-case Board decision.

A tool has been developed to assist the licensee in determining when a UAP can perform "additional functions" as provided for in Rule 400.04.d. Additional Functions. (See Appendix A Guidelines for Training: Preparing Unlicensed Assistive Personnel for Delegated Nursing Tasks). This training guideline can be utilized in two ways:

1. To provide additional training for the nursing assistant who has successfully completed the Board-approved Nursing Assistant Course, thereby allowing the performance of additional functions as delegated by a licensed nurse, in accordance with 400.04.d and 400.02.d
2. To provide training for unlicensed assistive personnel not listed on the nursing assistant registry (as defined in 400.04) who will be performing nursing tasks under the delegation of a licensed nurse, in accordance with 400.02.d

If a licensee can demonstrate that the UAP has received training for additional functions, and the training follows requirements set forth in **Guidelines for Training** (Appendix A), that training shall be considered to be "Board-approved" as referenced in 400.04.d. This guidance and training criteria in no way replace any presently Board-approved curricula.

PROHIBITIONS

400.04.e

Unlicensed assistive personnel are prohibited from performing any licensed nurse functions that are specifically defined in Section 54-1402 (b), Idaho Code. Additionally, unlicensed assistive personnel may not be delegated procedures involving acts that require nursing assessment, establishment of a plan of care or teaching, the exercise of nursing judgment or procedures requiring specialized nursing knowledge, skills or techniques. (7-1-96)

The Board wishes to caution licensees to carefully consider the above rule when training UAP or delegating to UAP those functions which might be considered to require specialized nursing knowledge, skills or techniques (e.g. sterile technique, sterile procedures, certain invasive procedures).

ASSISTANCE WITH MEDICATIONS

400.04.f

Assistance with Medications. After completion of a **Board-approved training program**, unlicensed assistive personnel in a non-institutional care setting may assist the client who cannot independently self-administer medications....(7-1-96)

In the above paragraph, "Board-approved training program" refers to the following training programs:

Assistance with Medications for Personnel in Residential Care Facilities

Assistance with Medications for The Personal Care Provider

Expanded Assistance with Medications

In March of 1999, the Board determined that:

Board approval of training programs preparing persons for Assistance with Medications for Personnel in Residential Care Facilities (oral); Assistance with Medications for the Personal Care Provider (oral); and Expanded Assistance with Medications (non-oral), **is conditioned on administration of these programs by the State Board of Vocational Education and will only be considered approved by the State Board of Nursing if so administered.**

Modified 3/99

APPENDIX A

GUIDELINES FOR TRAINING: PREPARING UNLICENSED ASSISTIVE PERSONNEL FOR DELEGATED NURSING TASKS

This guideline is to be utilized for training unlicensed assistive personnel (UAP) to perform functions as delegated by a licensed nurse. This guideline applies to those UAP listed on the nurse aide registry, and those UAP who are not listed on the nurse aide registry.

1. The training program shall:
 - a. Have written objectives which describe the expected outcomes for the learner and which can be evaluated by written or oral examination and by clinical demonstration of competency or application.
 - b. Have learning experiences appropriate to the stated objectives.
 - c. Be conducted by licensed professional nurses and other licensed health professionals, including physicians, pharmacists, psychologists, social workers, dietitians and others.
 - d. Include an evaluation mechanism to determine the effectiveness of the program.
2. The course content shall address the following (as appropriate):
 - a. Related anatomy, physiology and pathology.
 - b. Clinical signs, symptoms and complications.
 - c. Measures for prevention and intervention
 - d. Precautions and related hazards
 - e. Emergency measures
 - f. Documentation
3. Unless the individual has completed course work in the following areas, these topics must be addressed in the context of the training:
 - a. communication and interpersonal skills
 - b. infection control
 - c. universal precautions
 - d. safety procedures

Dated: March 10, 1998